IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 64 OF 2007

ERIC FERNANDES, MAPUSA, GOA. ... Appellant
Versus
BALBIR SINGH CHABRA AND 3 ORS., ... Respondents

Mr. S. G. Bhobe,Advocate for the appellant.
Mr. Sudin Usgaonkar, Advocate for the respondents No. 1 & 2.

Coram:- R. S. MOHITE, J.

Date:- 6th September, 2007

P.C.

This is an appeal against order dated 24.3.2006 passed by Civil Judge, Senior Division, Mhapsa in C.M.A. No.180/2004/A/C in Spl.C.S. No.40/2004. The appeal is filed by defendant No.1 who is developer and developing the property on behalf of defendant No. 2 & 3 who are the owners of the suit property. Defendant No.1 has entered into certain agreement with the plaintiff in respect of 4 plots. Later on he terminated the agreement. Therefore, plaintiff filed the suit for specific performance. It is obvious that if the defendants alienated the said land then the suit is likely to become infructuous. In fact I am informed that after the passing of the said order in July sale deed was executed in respect of two plots out of which one plot was covered by the injunction order which is impugned presently. In this regard application under O.39,R.11 of C.P.C. is pending. There is no error in the impugned order. Hence, appeal from order is dismissed.

R. S. MOHITE, J.

SMA